

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH)
BENEFITS FUND, et al.,)
Plaintiffs,)
v.) CIVIL ACTION NO. 11148-PBS
)
FIRST DATABANK, INC., a Missouri)
corporation, and MCKESSON CORP.,)
a Delaware corporation,)
Defendants.)
)

ORDER

December 1, 2005

Saris, U.S.D.J.

Defendant McKesson Corporation's motion to dismiss is DENIED on the ground that the complaint makes sufficient allegations regarding common fraudulent purpose and knowledge to state a claim under RICO, see 18 U.S.C. §1962(c) (Count One). After re-reading In re Pharm. Indus. Average Wholesale Price Litig., 307 F. Supp.2d 196 (D. Mass. 2004), I am persuaded that the allegations supporting the existence of an enterprise between McKesson and First Databank, Inc. are substantially more detailed than, and different from, the allegations which I had previously held were insufficient. I defer ruling on the controlling state law until the class certification stage.

S/PATTI B. SARIS

United States District Judge